

Malloy & Sullivan

LAWYERS
PROFESSIONAL CORPORATION

Gregory V. Sullivan, MA, NH
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January 21, 2000

Founders
Ralph Warren Sullivan
(1951-1989)
Richard A. Sullivan
(of Counsel)
James M. Malloy
(1951-1989)
Morton Myerson

Lawrence Noble, General Counsel
Federal Election Commission
999 E St., N.W.
Washington, D.C. 20463

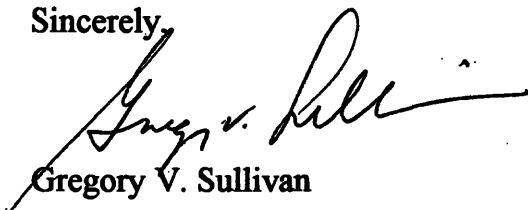
Re: Union Leader Corporation – MUR4956

Dear Attorney Noble:

We represent the Union Leader Corporation of Manchester, New Hampshire. The Opposition of the Union Leader Corporation to the Complaint of Lyndon H. LaRouche, and the Affidavit of Charles Perkins, filed in support of that opposition, are enclosed. A Statement of Designation of Counsel is also enclosed. Kindly docket and file same.

Please let us know, at your earliest convenience, whether or not any further action will be taken, or required, relative to this matter. Thank you for your attention to these matters.

Sincerely,


Gregory V. Sullivan

xc: Ms. Patricia D. Salisbury
John R. Velasquez, Jr.,
Acting Central Enforcement Docket Supervisor

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JAN 28 8 44 AM '00

FEDERAL ELECTION COMMISSION

LYNDON LaROUCHE,

v.

THE UNION LEADER,

MUR 4956

**OPPOSITION OF THE UNION LEADER CORPORATION
TO THE COMPLAINT OF LYNDON H. LAROCHE**

The Union Leader Corporation, (hereinafter the "Union Leader"), through counsel, hereby opposes the complaint of Patricia D. Salisbury, filed on behalf of Lyndon H. Larouche, Jr., (hereinafter "Larouche"), dated December 30, 1999. In support of this opposition, the Union Leader states as follows:

1. the Union Leader is a corporation organized and existing under the laws of the State of New Hampshire, with a principal office at 100 William Loeb Drive, Manchester, New Hampshire.
2. the Union Leader is in the business of publishing newspapers and other news and journalistic materials.
3. the Union Leader, along with New England Cable News, and New Hampshire Public Television, was the sponsor of debates, one on January 5, 2000, (Democrats), and one on January 6, 2000, (Republicans), among major candidates for the office of President of the United States in the New Hampshire Primary. The joint efforts of the sponsors were termed the "The New Hampshire Primary Debate Partnership," (hereinafter the "Partnership").
4. invitations to debate were sent to candidates of both the Republican and Democratic parties. The selection of the candidates for invitation was based upon the degree and volume of the activities of the candidate, in New Hampshire, and of the candidate's campaign organization, in New Hampshire, prior to December of 1999. The executive producer of the partnership made a good faith determination that Larouche did not meet the selection criteria. See the Affidavit of Charles Perkins, filed herewith, and in support of this opposition. Interference with such decisions by governmental agencies, or by courts, would violate the First Amendment rights of the debate's sponsors.

- 21-04-402-2978
5. the selection of the participants in the debates was a "reasonable, viewpoint-neutral exercise of journalistic discretion." Arkansas Educational Television v. Forbes, 118 U.S. 1633 (1998).
 6. the Supreme Court of the United States, in the Forbes case, distinguished "general access" forums, where all are invited to speak, from "selective access" situations, which are nonpublic fora. The Court's reasoning is instructive:

Were it faced with the prospect of cacophony, on the one hand, and First Amendment liability on the other, a public television broadcaster might choose not to air candidates' views at all. A broadcaster might decide "the safe course is to avoid controversy," ... and by so doing diminish the free flow of information and ideas." Turner Broadcasting System, Inc., 512 U.S., at 656 (quoting Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241, 257 (1974)).

WHEREFORE, the Union Leader, now prays that the complaint filed by Patricia D. Salisbury, on behalf of Larouche, dated December 30, 1999, be dismissed.

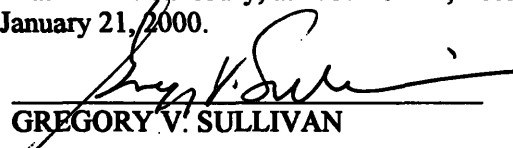
UNION LEADER CORPORATION,
by its attorney,


GREGORY V. SULLIVAN

Malloy & Sullivan
Lawyers Professional Corporation
78 West Merrimack Street
Manchester, N.H. 03101
(603) 668-3737
DATED: January 21, 2000

CERTIFICATE OF SERVICE

I, Gregory V. Sullivan, do hereby certify that I served a copies of the Opposition of the Union Leader to the Complaint of Lydon H. LaRouche, the supporting Affidavit of Charles Perkins, and A Statement of Designation of Counsel, upon Lydon H. LaRouche, by mailing a copy of same, first class, postage prepaid, to Ms. Patricia D. Salisbury, at P.O. Box 89, Leesburg, Virginia 20178, his representative of record, on January 21, 2000.


GREGORY V. SULLIVAN

FEDERAL ELECTION COMMISSION

LYNDON LaROUCHE,

V.

THE UNION LEADER

MUR 4956

AFFIDAVIT OF CHARLES PERKINS

I, Charles Perkins, do hereby depose and state as follows:

1. I am an individual who resides in New Hampshire. I am employed by the Union Leader Corporation, (hereinafter "Union Leader"), of Manchester, New Hampshire, as the Executive Editor of the *Union Leader* and *New Hampshire Sunday News* newspapers.
2. The Union Leader is engaged in the business of publishing newspapers.
3. In 1999, the Union Leader engaged in a joint effort with New England Cable News and New Hampshire Public Television, to sponsor debates among candidates for the office of President of the United States in the New Hampshire Primary. This joint effort was called the New Hampshire Primary Debate Partnership.
4. I am the representative of the Union Leader to the New Hampshire Primary Debate Partnership.
5. The New Hampshire Primary Debate Partnership sponsored a debate of democratic candidates for president on January 5, 2000, and a debate of republican candidates for president on January 6, 2000.

6. The criteria utilized by the New Hampshire Primary Debate Partnership for inclusion in the debates was the degree and level of the candidates' campaign efforts and activities in New Hampshire, and the degree and level of the candidates' campaign organization and structure in New Hampshire, prior to October of 1999.
7. Lyndon LaRouche, Jr., was not even considered for inclusion in the 2000 debate as we had seen no evidence of a LaRouche candidacy, or of a LaRouche campaign organization in New Hampshire, prior to October of 1999.

Charles Perkins

CHARLES PERKINS

STATE OF NEW HAMPSHIRE
HILLSBOROUGH, ss

January 10, 2000

Then personally appeared Charles Perkins, and made oath that he information contained in the above affidavit was true, accurate, and based upon his personal knowledge.

Janet P. MacDougall

JANET P. MacDOUGALL, Notary Public
My Commission Expires December 1, 2004
My Commission Expires:

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4956

NAME OF COUNSEL: Gregory V. Sullivan

ADDRESS: Malloy & Sullivan

59 Water Street

Hingham, MA 02043

TELEPHONE: 781-749-4141

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

1/11/2000
Date

Signature 
John E. MacKenzie
Secrétaire

RESPONDENT'S NAME: Union Leader Corporation

ADDRESS: 100 William Loeb Drive

P.O. Box 9555

Manchester, NH 03108-9555

HOME PHONE: _____

BUSINESS PHONE: 603-668-4321 ext. 400